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8
9 UNITED STATES DISTRICT COURT

10 SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO

11 ANDREW SHALABY and SONIA DUNN-
12 RUIZ,

13 Plaintiffs,

14 vs.

15 IRWIN INDUSTRIAL TOOL COMPANY
INC., THE HOME DEPOT, INC., and DOES 2
through 100, inclusive

16 Defendants.

17 Case No.: 07-CV-2107 W (BLM)

18 **STIPULATION AND JOINT EX PARTE
MOTION TO EXTEND EXPERT
DISCOVERY CUTOFF AND MOTION
DEADLINE**

19 AND RELATED THIRD PARTY CLAIMS

20 **STIPULATION AND JOINT EX PARTE APPLICATION**

21 Plaintiffs ANDREW SHALABY and SONIA DUNN-RUIZ, and defendants IRWIN
22 INDUSTRIAL TOOL COMPANY, INC., and THE HOME DEPOT, INC., third-party plaintiff
23 BERNZOMATIC, and third-party defendants WESTERN INDUSTRIES, INC. and
24 WORTHINGTON INDUSTRIES (collectively, “the Parties”), hereby stipulate and agree as
25 follows, and move the Court *ex parte* for an order continuing the existing expert witness
discovery cutoff in this matter to September 30, 2008.

26 1. The parties enter into this stipulation and jointly move the Court to continue the
27 current expert witness discovery cutoff of September 5, 2008.

28 2. This case was initially assigned to Magistrate Judge Louisa S. Porter, and a
Mandatory Settlement Conference was scheduled for July 21, 2008. Judge Porter subsequently

recused herself, and on July 14, 2008, this case was transferred to Magistrate Judge Barbara L. Major. As part of that transfer, the Mandatory Settlement Conference scheduled for July 21, 2008 was vacated, and was continued to September 3, 2008 before Judge Major.

3. The parties subsequently stipulated and filed an ex parte application to continue the Mandatory Settlement Conference to October 14, 2008, to allow the parties to go through with the previously scheduled depositions of some of defendants' expert witnesses in Boston, Massachusetts on September 3, 2008.

4. The parties are working diligently to schedule and coordinate the depositions of the remaining experts in this matter, but as of the date of this ex parte application, some of the expert witness depositions have not been scheduled, and the parties are having difficulty coordinating the schedules of counsel and the experts themselves so that the expert witness depositions will all be completed by the current expert witness discovery cutoff of September 5, 2008.

5. Accordingly, the parties, by and through their respective counsel, hereby respectfully stipulate and request that the expert witness discovery cutoff be continued from to September 30, 2008.

6. The parties also request that the existing September 12, 2008 court ordered deadline to file motions of any kind, other than motions in limine or motions to amend the pleadings, be continued to October 10, 2008.

Dated: August 18, 2008

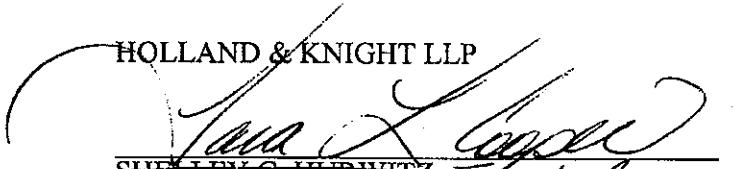
ALBORG VEILUVA & EPSTEIN

Darrell Clark for

MARK D. EPSTEIN
Attorney for Plaintiffs
ANDREW SHALABY and SONIA DUNN-RUIZ

1 Dated: August 19, 2008

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6 and THE HOME DEPOT, INC. and Third-Party
7 Plaintiff BERNZOMATIC

8
9 Dated: August __, 2008

BOWLES & Verna

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11 Dated: August __, 2008

RICHARD ERGO
12 Attorney for Third-Party Defendants
13 WORTHINGTON INDUSTRIES

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15 Dated: August __, 2008

MCCORMICK BARSTOW SHEPPARD WAYTE
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1 Dated: August __, 2008

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6 Dated: August 15, 2008

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13 Dated: August __, 2008

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Plaintiff BERNZOMATIC

Dated: August __, 2008

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Dated: August 13 2008

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